

Notice of Allowability

Application No.

10/779,392

Examiner

Joseph P. Martinez

Applicant(s)

BECK ET AL.

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2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10-24-05.
2. ☒ The allowed claim(s) is/are 1,2,6-41,45-63 and 66-68.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 1-10-05
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 121405.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Gerald Shekleton on 12-14-05.

The application has been amended as follows:

1. Line 1 of claim 8, after "arrangement as claimed in claim", delete -- 4 --, and enter -- 2 --.

The purpose of this examiner's amendment is to change the dependency of dependent claim 8 to depend on claim 2.

2. Line 1 of claim 61, after "system as claimed in claim", delete -- 44 --, and enter -- 40 --.

The purpose of this examiner's amendment is to change the dependency of dependent claim 61 to depend on claim 40.

Allowable Subject Matter

Claims 1, 2, 6-41, 45-63 and 66-68 are allowed.

The following is an examiner's statement of reasons for allowance: the prior art taken alone or in combination fails to anticipate or fairly suggest the limitations of the

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claims, in such a manner that a rejection under 35 USC 102 or 103 would be proper.

The prior art fails to teach a combination of all the claimed features as presented in independent claims 1, 22, 40, 62, 63, 66, 67 and 68.

Specifically regarding claims 1, 22 and 40, Schletterer (6525888) teaches the state of the art of an adjustment arrangement of an optical element.

But, Schletterer fails to explicitly teach a combination of all the claimed features including the optical element being selectively deformable by actuators and one end of a lever element being arranged between the two solid joints, one of said solid joints connecting the lever element to the mount and the other solid joint connecting the lever element to a region of the optical element, and the actuator engaging an end of the lever element remote from the solid joints, as claimed.

Specifically regarding claims 62 and 63, Schletterer (6525888) teaches the state of the art of an adjustment arrangement of an optical element.

But, Schletterer fails to explicitly teach a combination of all the claimed features including the optical element being selectively deformable by actuators and alternate ones of the bearing feet being engaged by at least one actuator, as claimed.

Specifically regarding claims 66 and 67, Schletterer (6525888) teaches the state of the art of an adjustment arrangement of an optical element.

But, Schletterer fails to explicitly teach a combination of all the claimed features including the optical element being selectively deformable by actuators and each of the bearing feet engaged by one of the actuators has two pivot points formed as solid joints, as claimed.

Specifically regarding claim 68, Schletterer (6525888) teaches the state of the art of an adjustment arrangement of an optical element.

But, Schletterer fails to explicitly teach a combination of all the claimed features including the optical element being selectively deformable by actuators and on the side remote from the base of the U-shaped bearing foot, a stabilizing element is arranged between the legs of the U-shaped bearing foot and is connected to each of the legs by a solid joint, as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph P. Martinez whose telephone number is 571-272-2335. The examiner can normally be reached on M-F 7:00 AM to 3:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JPM
12-14-05


Hung Xuan Dang
Primary Examiner